

COUNTY OF YORK

MEMORANDUM

DATE: February 13, 2001 (BOS Mtg. 2/20/01)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-567-01, Sharon E. Dirmeyer, D.V.M.

ISSUE

This application requests a special use permit, pursuant to Section 24.1-306 [category 2, number 7(a)] of the York County Zoning Ordinance, to establish a veterinary clinic without outside runs on a 1.64-acre parcel located at 329 Hampton Highway. The property is located approximately 1,100 feet north of the intersection of Hampton Highway (Route 134) and Victory Boulevard (Route 171) and is further identified as Assessor's Parcel No. 37-53. The property is zoned LB (Limited Business) and is designated for Limited Business uses in the Comprehensive Plan.

DESCRIPTION

- Property Owner: Gladys I. Gardiner (Applicant is contract purchaser)
- Location: 329 Hampton Highway
- Area: Approximately 1.64 acres
- Frontage: Approximately 360 feet on Hampton Highway (Route 134)
- Utilities: Public water and sewer are available.
- Topography: A perennial stream and steep slopes are present along the northern property line
- 2015 Land Use Map Designation: Limited Business
- Zoning Classification: LB – Limited Business
- Existing Development: None
- Surrounding Development:
 - North: Single-family detached home and Maranatha Baptist Church
 - East: Tabb Middle School
 - South: Undeveloped parcel, single-family detached home beyond
 - West: Hampton Highway
- Proposed Development: Veterinary clinic without outside runs

CONSIDERATIONS/CONCLUSIONS

1. The applicant is a veterinarian and a partner in an established veterinary practice in the County. She wishes to open her own practice on a vacant parcel located on Hampton Highway (Route 134). The building would include approximately 3,000-4,000 square feet for the clinic and approximately 800-1,000 square feet office space for her sister's accounting business. The accounting office is permitted as a matter of right and therefore not part of this application.
2. The subject parcel is zoned for Limited Business (LB). The LB zoning is consistent with the Comprehensive Plan, which states with respect to this area of the County, that "less intense commercial uses are envisioned along Route 134 around the Victory Boulevard (Route 171) and Yorktown Road (Route 706) intersections. These areas are designated for Limited Business, primarily because of their proximity to residential development. With landscaped buffers, the Limited Business designation provides a transitional zone between residential and intensive commercial uses across Route 134. Further residential development in these areas is not appropriate because of the high traffic volumes along Route 171 and 134, particularly at these major intersections."¹
3. The Limited Business land use designation is intended to provide opportunities for uses such as business or professional offices and research, development and training facilities. Similarly, as stated in Section 24.1-332 of the Zoning Ordinance, the LB zoning district is intended to provide opportunities for commercial activities having a relatively low external impact, which can be acceptable in proximity to residential areas. The activities envisioned for this district should be of a type that generally occur only during daylight hours, have relatively low external impacts in terms of noise, light, and activity levels, and can be designed to ensure their compatibility with surrounding land uses."
4. Neighboring land uses include two single-family detached homes and, to the rear of the subject parcel, Tabb Middle School. Like the subject parcel, both homes are zoned LB and therefore are nonconforming uses, which means that they were permitted at the time they were built but are no longer consistent with the current zoning. The proposed veterinary clinic is not expected to have any significant adverse impacts on any of these properties. Because there will be no outside runs, noise impacts will be minor. Furthermore, pursuant to §24.1-416(a) of the Zoning Ordinance, the building will need to be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental" to the adjacent home to the north. This provision applies to any vet clinic located within two hundred feet (200') of a residential property line, even though the adjacent property in this case is zoned Limited Business and the home is a nonconforming use. Finally, the applicant will also be required to submit a waste management plan that "ensures sanitary handling of animal wastes and prevents contamination or pollution of adjacent lands or water bodies." This requirement is particularly important in this case because of a perennial stream located near the northern property line.

¹ Charting the Course to 2015: The County of York Comprehensive Plan, Land Use element, page 83.

Tabb Middle School is buffered by approximately 180 feet of dense vegetation. In addition, the applicant will be required to maintain an additional Type 25 (25') transitional buffer between her parcel and the school. The School Division has indicated that it does not oppose this application. Likewise, the County's Division of Parks and Recreation has reviewed this request and does not find any conflict with the proposed development's proximity to the community athletic fields at Tabb Middle School that are currently being relocated as part of the expansion of the school building.

5. Based on the sketch plan, building rendering, and narrative description submitted by the applicant, the proposed development will be attractive and well-landscaped. Route 134 is a greenbelt road, which means that a thirty-five foot (35') undisturbed vegetative buffer will be required along the front of the property. Because of the relative lack of existing vegetation and the applicant's desire to have an attractive business, she has indicated that, as part of her overall landscape plan for the site, she intends to supplement the existing vegetation with new plantings in the greenbelt buffer. At a minimum, a front landscape yard twenty feet (20') in width will be required along Hampton Highway, with planting ratios as specified in §24.1-242 of the Zoning Ordinance (with appropriate credit given to the preservation of existing trees and shrubs). Finally, in accordance with §24.1-703 of the Zoning Ordinance, freestanding signage will be limited to a single monument sign with a maximum area of thirty-two (32) square feet.
6. The proposed vet clinic is not likely to have a significant impact on traffic on Hampton Highway (Route 134). The Institute of Transportation Engineers' (ITE) Trip Generation manual (6th Edition), does not contain trip generation figures for vet clinics. However, trip generation data for ordinary medical clinics at least provide a frame of reference. According to the ITE, a clinic of this size would likely generate an estimated 3-4 vehicle trips in the morning and afternoon peak hours per day on Hampton Highway. Traffic generated by the accounting business would also be minor. The Virginia Department of Transportation has indicated that a 150' right turn taper lane will be required along Route 134 northbound to accommodate turning movements into the site. Since Route 134 is a four-lane divided highway with no median break across from the site, there will be no left turn lanes from Route 134 southbound into the site. The parcel will be limited to a single entrance that would become a shared entrance in the event that, sometime in the future, the applicant or a future property owner should decide to subdivide the parcel.
7. The applicant's sketch plan shows ample parking for this type of use. The Zoning Ordinance requires a minimum of five (5) spaces, including at least two (2) spaces per treatment room. In addition, at least three spaces would be needed for the accounting business. A total of twenty-eight (28) spaces are depicted on the sketch plan.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on January 10, 2001 and, subsequent to holding a public hearing, voted 6:0 (Simasek absent) to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

The County's long-range vision for this area of Route 134 is for office and low-impact types of commercial uses and, despite the existence of nonconforming houses, not residential development. I believe that a veterinary clinic (that does not include outside runs) is consistent with that vision. Furthermore, the proposed use is not likely to have any significant impacts on adjacent properties or the roadway network. The applicant's sketch plan and building rendering, combined with appropriate use permit conditions governing landscaping and signage, will ensure an attractive development that will contribute positively to the aesthetic appeal of this important corridor. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution No. R01-23.

Cross/3496

Attachments

- Excerpts of Planning Commission minutes, January 10, 2001
- Zoning Map
- Sketch plan
- Building rendering
- Letter from Sharon E. Dirmeyer, D.V.M., dated November 29, 2000
- Proposed Resolution No. R01-23